

# FREEDOM COURT REPORTING

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 EASTERN DIVISION

4 CIVIL ACTION NUMBER: 3:05-cv-0741-WKW

5 BARRY BUCKHANON and RODNEY FRALEY,

6 Plaintiffs,

7 vs.

8 HUFF & ASSOCIATES CONSTRUCTION

9 COMPANY, INC.,

10 Defendant.

COPY

11  
12 DEPOSITION OF JOHN D. HUFF, JR.

13 In accordance with Rule 5(d) of  
14 The Alabama Rules of Civil Procedure as  
15 Amended, effective May 15, 1988, I,  
16 VIRGINIA DENESE BARRETT, am hereby  
17 delivering to Mr. James R. Bowles, the  
18 original transcript of the oral testimony  
19 taken on the 26th day of April, 2006,  
20 along with exhibits.

21 Please be advised that this is  
22 the same and not retained by the Court  
23 Reporter, nor filed with the Court.

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EXHIBIT

D.

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1 the jobs.

2 Q. Okay. And did he ever hold  
3 any other position that you know of for  
4 the company?

5 A. Well, back when he was first  
6 hired, back the first time when he was  
7 hired, he was hired as a mechanic and to  
8 maintain my equipment.

9 Q. Okay. Within the second  
10 tenure, just say the last ten years or so,  
11 his job was strictly as a superintendent?

12 A. Yes, sir.

13 Q. Okay. What are a  
14 superintendent's duties with your company?

15 A. Superintendent is designated  
16 a job to build according to the plans and  
17 specifications of the contract.

18 Q. Okay. Is the superintendent  
19 the highest ranking employee of Huff and  
20 Associates on the job site?

21 A. Well, full-time. He's a  
22 hired full-time employee. But we have  
23 project managers that go by once a week to

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1 get with the superintendent to coordinate 22  
2 subs and materials and necessary items  
3 that he needed to build the job.

4 Q. Is the superintendent on the  
5 job site the person that's responsible for  
6 hiring and firing of employees?

7 A. Yes, sir.

8 Q. Okay. Do you consider  
9 yourself to be a personal friend of Bobby  
10 Myers?

11 A. Yes, sir.

12 Q. Okay. Do you know him well?

13 A. Well, business side, yes.

14 Q. Do y'all socialize together?

15 A. No, sir. Well, once in a  
16 while, but not regular.

17 Q. Well, I understand you see  
18 each other at work every day?

19 A. Oh, yes, sir.

20 Q. Or frequently. But I'm  
21 talking about after hours.

22 A. No.

23 Q. Do y'all ever visit in each

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1 end of quote?

2 A. No, sir. No, sir.

3 Q. Have you ever heard Bobby  
4 Myers swearing or cursing at employees of  
5 Huff and Associates?

6 A. No, sir.

7 Q. Do you know whether or not  
8 Bobby Myers uses profane language?

9 A. Not to my knowledge.

10 Q. You never heard him use any?

11 A. No, sir.

12 Q. Is swearing, cursing and  
13 using racial slurs acceptable behavior at  
14 Huff and Associates?

15 A. No, sir, it's not.

16 Q. Does Huff and Associates have  
17 any kind of policy whether it's written or  
18 unwritten regarding the use of offensive  
19 and racially derogatory language by its  
20 employees?

21 A. Well, there's a sign on the  
22 job, every job we have. It says equal  
23 opportunity employer that gives all of

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1 that stuff. Everybody is aware of it.  
2 And we are an equal opportunity employee.  
3 Repeat the question. I might not have  
4 answered it.

5 Q. But if you knew that one of  
6 your employees was using racial slurs and  
7 racial derogatory language in addressing  
8 black employees, would you put up with it?

9 A. No, sir.

10 Q. What would you do?

11 A. If I knew -- if I knew about  
12 it, I would investigate it and find out  
13 the truth and then I'd take the necessary  
14 action.

15 Q. Would you fire them?

16 A. Yes. If that was what it  
17 took, yes.

18 Q. Has anybody ever reported to  
19 you that Bobby Myers was using profane  
20 racially derogatory language towards  
21 employees of Huff and Associates?

22 A. No, sir.

23 Q. Have you ever received any

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1 complaints from anyone that Bobby Myers  
2 was abusive, intimidating and threatening  
3 towards your employees?

4 A. No, sir.

5 Q. And you have never personally  
6 witnessed anything like that, have you?

7 A. No, sir, I haven't.

8 Q. Do you consider Bobby Myers  
9 to be a racist?

10 A. No, sir.

11 Q. Do you know Barry Buckhanon  
12 and Rodney Fraley?

13 A. No, sir. I have not -- I  
14 have not -- I have not met them  
15 personally. To my knowledge, no. I know  
16 they worked on the job and while I was out  
17 there and I could have seen them. But I  
18 couldn't tell you what they look like.

19 Q. Do you know James Langley?

20 A. Yes, sir.

21 Q. Do you know where he's living  
22 or working these days?

23 A. He's working for us.